246664

Docket Management System U.S. Department of Transportation Room Plaza 401 400 7th Street, South West Washington, D.C. 20590

June 18, 2003

Attn: Docket Number FAA-2003-15085 — 14

Ameristar Jet Charter, Inc. submits the following comments to the docket for deletion of 14 CFR Part 135.333, the addition of 14 CFR Part 135 Subpart K, changes to 14 CFR 119, and 14 CFR 145.

General

Ameristar Jet Charter, Inc. is an on demand 14 CFR Part 135 Certificate holder conducting operations throughout North and South America primarily for the automotive industry and does carry hazardous materials on a regular basis. The automotive industry requires the use of airports that are as close to their plants as possible so as to reduce the amount of surface movement from the aircraft to the assembly line. Many of the airports are small town airports providing only basic service; fuel, local part-time ground handlers and office support.

Comments

There is no mention of applicability to 14 CFR Part 125 Certificate holders. Part 125 Certificate holders are a large segment of the ad hoc (on demand) large aircraft all-cargo industry. Without including Part 125 Certificate holders in this rule it further erodes the playing field between Part 135 and 121 Certificate holders and does not complete the intent of the rule. There are currently DC-8, B-727, DC-9, Convair and other large aircraft being operated under the rules of 14 CFR Part 125 in air commerce that are authorized and carrying hazardous materials. These part 125 aircraft are a major competitor to Ameristar and fly for the same customers carrying the same types of hazardous materials on a daily basis.

135.503 At Page 24826 of the Federal Register Vol. 68, No. 89

(d) The "Base Month" concept in this paragraph is inconsistent with 14 CFR Part 135.323(b). This requires an industry to have two standards. This could easily require a certificate holder to bring a person in for training at least one more time to complete other annual recurrent training requirements. This is an economic burden that does not enhance safety. The requirements of 14 CFR Part 135.323(b) currently allow the grace month proviso.

In addition, this is not consistent with 49 CFR §172.704(c)(2) that allows up to 3 years.

135.503 At Page 24826 of the Federal Register Vol. 68, No. 89

(e) The requirements of (e) are superfluous in that:

Each Part 121/135 repair station handles thousands of hazardous materials. Why should a Part 135 certificate holder have to do anything more than to get a copy of its Part 145 repair station's certificate? Is it possible that there is a Part 121/135 repair station that does not have the authority to ship and/or handle hazardous materials? When a repair station offers a hazardous material and the air carrier accepts that shipment, the carrier's hazardous materials program takes over. In addition, 14 CFR 145.5 and 145.11 requires a hazardous materials program and training for each 14 CFR 145 repair station.

135.504 At Page 24827 of the Federal Register Vol. 68, No. 89

- (b) 14 CFR Part 135 consistently allows/requires that records be kept at a certificate holder's "Principal Base of Operations". § 172.201(e), Preparation and retention of shipping papers, also allows the operator to retain shipping paper information at its "principal place of business". This should be the same language.
- (b) Ameristar Jet Charter, Inc. is a small carrier that serves over 200 cities in North and South America, the requirements of this paragraph would be very difficult to comply with. An exemption would have to be obtained to address this proposed language.

Appendix N at Page 24825 of the Federal Register Vol. 68, No. 89

Module 2 – "passenger check-in list" would not be applicable to Ameristar's operation and would be removed from the curriculum.

Module 3 – The reference to disposal procedures would not be pertinent to Ameristar's operations – again applicability. Ameristar would not be disposing of any hazardous materials. As a shipper, Ameristar would contact the appropriate authorities in the event of spill or leakage of a hazardous substance. In turn, the appropriate authorities would handle the disposal of the hazardous material.

145.27 At Page 24827 of the Federal Register Vol. 68, No. 89

1. "All workers" as used in this regulation is very broad in scope.

Thank you for the opportunity to comment on this NPRM

Sincerely,

Andrew R. Williams
Director of Operations
Ameristar Jet Charter, Inc.